

Message Text

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ACTION EA-14

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O 270825Z JUL 74

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COMUSJAPAN FUCHU JAPAN

AMCONSUL NAHA IMMEDIATE

C O N F I D E N T I A L TOKYO 9819

E.O. 11652: GDS

TAGS: PFOR JA

SUBJ: FCJ CASES, SGTS LOCKE AND JOHNSON

REF: A. STATE 163499; B. CSAF 262122Z JUL 74

1. DCM AND POLITICAL COUNSELOR CALLED ON FONOFF DIEGEN AMERICAN AFFAIRS BUREAU YAMAZAKI (SECURITY DIV CHIEF YAMASHITA ALSO PRESENT) AROUND NOON JULY 27 TO INFORM HIM OF OUR DECISION TO DUTY CERTIFICATES IN FCJ CASES LOCKE AND JOHNSON. IN DOING SO DCM EMPHASIZED RATIONALE OUTLINED REF A PARA 4, AT SAME TIME POINTING OUT THAT USG FULLY AWARE OF SENSITIVITY THIS ISSUE FOR GOJ AND OUR DESIRES TO COOPERATE IN ORDER TO MINIMIZE POLITICAL PROBLEMS AS MUCH AS POSSIBLE.

2. YAMAZAKI INDICATED HE COULD UNDERSTAND RATIONALE FOR US DECISION BUT EXPRESSED SERIOUS CONCERN FOR THIS TURN OF EVENTS WHICH HE FEARED WOULD BE EXPLOITED BY OPPOSITION ELEMENTS TO ATTACK TANAKA GOVERNMENT AND US-JAPAN SECURITY RELATIONSHIP. HE WAS PARTICULARLY WORRIED THAT WHEN US DECISION BECOMES PUBLIC KNOWLEDGE (AND HE SAW NO WAY TO FORESTALL THIS ONCE NOTIFICATION GIVEN LOCAL PROCURATOR), OPPOSITION WOULD ATTEMPT TO PRESS ISSUE IN SPECIAL DIET SESSION.

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3. IN SUBSEQUENT DISCUSSION, YAMASHITA POINTED OUT THAT GOJ COULD

PRESENT COUNTERARGUMENTS TO US DECISION RE DUTY STATUS THROUGH ESTABLISHED JOINT COMMITTEE PROCEDURES. DCM CONCURRED, EMPHASIZING THAT IF GOJ ELECTED TO AVAIL ITSELF OF THESE PROCEDURES, DISCUSSIONS SHOULD FOCUS ON REVIEW OF FACTS AS DETERMINED BY BOTH SIDES AND LEGAL ISSUES INVOLVED. IN RESPONSE TO YAMASHITA'S OBSERVATION THAT US PROBABLY LOCKED FIRMLY INTO RETAINING JURISDICTION, DCM ADVISED AGAINST JUMPING TO SUCH CONCLUSION AND ASSURED YAMAZAKI AND YAMASHITA THAT US SIDE WOULD CONSIDER GOJ VIEWS WITH OPEN MIND. HE ALSO STATED THAT SHOULD GOJ ELECT TO PURSUE MATTER IN JOINT COMMITTEE, US AUTHORITIES PREPARED TO MOVE AS PROMPTLY AS GOJ WOULD WISH. (NEITHER YAMAZAKI NOR YAMASHITA RAISED POSSIBILITY OF GOJ REQUEST FOR WAIVER PER SOFA ARTICLE XVII 3C.) YAMAZAKI CONCLUDED MEETING BY STATING THAT HE WOULD IMMEDIATELY REPORT MATTER TO FOREIGN MINISTER KIMURA.

4. YAMAZAKI SUBSEQUENTLY TELEPHONED DCM AT APPROX 1600 HOURS TO REPORT FOREIGN MINISTER'S REACTION. HE STATED THAT HE HAD BEEN INSTRUCTED TO EXPRESS THE MINISTER'S SERIOUS CONCERN FOR THIS RECENT DEVELOPMENT AND TO CONVEY TO USG HIS PERSONAL MESSAGE REQUESTING USG TO RECONSIDER ITS POSITION AND NOT TO ISSUE DUTY CERTIFICATES. IN FOREIGN MINISTER'S VIEW, ISSUANCE OF DUTY CERTIFICATES WILL QTE PROVOKE STRONG POLITICAL REPERCUSSIONS IN OKINAWA AND ELSEWHERE IN JAPAN UNQTE. YAMAZAKI ADDED THAT FOREIGN MINISTRY ALSO WILL BE INFORMING AMBASSADOR YASUKAWA OF FOREIGN MINISTER'S VIEWS (PRESUMABLY WITH INSTRUCTIONS TO CONVEY DIRECTLY TO DEPARTMENT).

5. DCM STATED THAT HE WOULD OF COURSE CONVEY FOREIGN MINISTER'S MESSAGE IMMEDIATELY. HE REMINDED YAMAZAKI, HOWEVER, THAT IN ORDER FOR USG TO RETAIN LEGAL RIGHT TO EXERCISE JURISDICTION IT MUST ISSUE DUTY CERTIFICATES NO LATER THAN 10 DAYS FOLLOWING NOTIFICATION OF INCIDENT OR APPROX NOON JULY 29. YAMAZAKI REPLIED THAT HE UNDERSTOOD SITUATION, BUT REITERATED FOREIGN MINISTER'S URGENT PERSONAL REQUEST THAT USG RECONSIDER ITS DECISION TO ISSUE CERTIFICATES. YAMAZAKI INDICATED THAT NO FURTHER DECISIONS HAD BEEN TAKEN, BUT WHEN DCM ASKED WHETHER FOREIGN MINISTRY HAD CONSIDERED WHAT POSITION IT WOULD TAKE IF USG UNABLE TO COMPLY WITH FOREIGN MINISTER'S REQUEST, HE STATED THAT THEN GOJ WOULD HAVE NO OTHER RECOURSE THAN TO TAKE MATTER TO JOINT COMMITTEE.

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